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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,315	12/23/1999	Samuel N Zellner	99483	7258

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DARREN E WOLF
KIRKPATRICK & LOCKHART LLP
HENRY W OLIVER BUILDING
535 SMITHFIELD STREET
PITTSBURGH, PA 152222312

EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/471,315

Applicant(s)

ZELLNER ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 9,11,12 and 17-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10,13-16 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-8, 10 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al, U.S. Patent No. 6,385,303 (hereinafter Peterson) in view of Miner.

Regarding claim 1, Peterson discloses a method of screening a caller prior to establishing a telephone connection between the caller and a callee, the method comprising receiving a telephone call from the caller, prompting the caller to speak the name of the callee and receiving the name of the callee when spoken by the caller, wherein the callee is a person (see columns 8, 10 and 13).

Peterson does not teach the limitation of "identifying the caller by analyzing the voice of the caller received when the caller speaks the name of the callee". However, Miner teaches the claimed limitation (see step 216 of Figure 4A, col. 12,

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lines 20-50 and col. 6, lines 45-60). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson with identifying the caller by analyzing the voice of the caller received when the caller speaks the name of the callee as taught by Miner. This modification allows for a caller to be identified using information identifying a callee as suggested by Peterson (see column 13).

Regarding claim 2, see Peterson, col. 8, lines 24-30.

Regarding claim 3, see Peterson, col. 7, lines 15-30.

Regarding claim 4, see Peterson, col. 7, lines 41-45.

Regarding claim 5, see Peterson, col. 10, lines 12-13.

Regarding claim 6, see Peterson, col. 14, lines 13-20.

Regarding claim 7, see Peterson, col. 7, lines 60-66.

Regarding claim 8, see Peterson, col. 13, lines 30-37.

Regarding claim 10, see Peterson col. 10, lines 15-20.

Regarding claim 27, see Peterson column 10.

3. Claims 13-16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Peterson combined with Miner in further view of O'Brien, U.S. Patent No. 5479489 (hereinafter O'Brien).

Regarding claim 13, Peterson combined with Miner as applied in claim 1 does not teach a method of creating a database containing a plurality of digital text files, wherein each of

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the plurality of digital text files contain identification information for a different one of a plurality of callees. However O'Brien discloses a method of creating a database containing a plurality of digital text files, wherein each of the plurality of digital text files contain identification information for a different one of a plurality of callees (col. 1, lines 62-65 and col. 2, lines 1-5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson combined with Miner with a method of creating a database containing a plurality of digital text files, wherein each of the plurality of digital text files contains identification information for a different one of a plurality of callees as taught by O'Brien. This modification allows a caller to save database storage space by saving callee information as text files as opposed to voice files.

Regarding claims 14 and 15, see O'Brien, col. 2, lines 43-47 and lines 54-55.

Regarding claim 16, O'Brien discloses a method wherein identifying the caller includes:

converting the name of the callee as spoken into a test digital text file (col. 3, lines 10-14); and individually comparing the test digital text file with the each of the

plurality of digital text files in the database to identify the callee (col. 3, lines 41-43).

Response to Arguments

4. Applicant argues Miner discloses the caller uttering Wildfire as opposed to uttering the name of a person, hence Miner fails to teach "identifying the caller by analyzing the voice of the caller received when the caller speaks the name of the callee". However Miner discloses that a caller invokes the virtual intercom feature (col. 12, lines 30-50 and col. 6, lines 45-60) by speaking the name of the person the caller is attempting to reach (Greg). In response to this utterance, the system is able to identify the caller (see 216, Figure 4A). Therefore Miner discloses the claimed identifying step.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

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statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.
Olisa Anwah
Patent Examiner
June 3, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

